IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

And
THE HON'BLE MR JUSTICE G.CHANDRAIAH

WRIT PETITION NO : 2858 of 2005

Between:

T.D.S. Kumar S/o. Samuel
R/o. H.No. 38-34-208, Ambedkar Nagar, Visakhapatnam,

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Rep. by the Secretary,
Home (General.A) Department, Secretariat, Hyderabad.
2 The District Collector & Licensing Authority under A.P. Cinemas

(Regulation) Act and the Rules, 1970, Visakhapatnam, Visakhapatnam

District.
3 M/s. Grandhi Theatres Pvt. Limited, Chitralaya Theatre Premises,
Rep. by its Managing Director, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus directing the District Collector and Licensing Authority, Visakhapatnam, the 2nd respondent herein to receive the objections made by the petitioner herein and hear him before considering the application filed by M/s. Grandhi Theatres Pvt. Ltd., the 3rd respondent herein, for grant of No Objection Certificate for construction of a Mini A.C. Theatre in the place available in the existing Chitralaya Theatre Premises, Visakhapatnam, and pass such other order or orders as this Hon'ble

Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner : MR.RAMA RAO MAVIDI

Counsel for the Respondents No.1 & 2 : GP FOR HOME

Counsel for the Respondent No.3 : MR. P.SRI RAGHU RAM

The Court made the following :

ORDER : (per Hon'ble Sri Bilal Nazki, ACJ)

Heard learned Counsel for the parties.

The petitioner only wants a direction from this Court that the District Collector & Licencing Authority-Respondent No.2 herein should receive the objections from the petitioner and consider them while considering the application filed by M/s.Grandhi Theatres Pvt. Ltd.-Respondent No.3, seeking No Objection Certificate for construction of a mini A.C. theatre.

The learned counsel for the petitioner submits that earlier also, on the same premises, the respondent No.3 wanted to construct a multiplex theatre, for which No Objection was not granted by the licencing authority, but Government in a revision, ordered issuance of No Objection Certificate, which is subject matter of another writ petition being Writ Petition No.21272 of 1998. He submits that in that writ petition, already an order of stay is passed therefore, the District Collector would have to consider the impact of that order as well, because the proposed mini theatre is also to be constructed in the same premises.

The learned counsel for respondent No.3 submits that in terms of the Cinematograph Act, 1952 (hereinafter referred to as 'the Act') and Rules made therein, there is no requirement for the District Collector to hear anybody and the efforts made by the writ petitioner are *mala fide*, as the petitioner has been set up by his rivals in the business.

We feel that in order to be sure that the orders likely to be passed by the Collector are fair and transparent, even if the petitioner is heard and he is allowed to file objections, this would not be detrimental to the interests of respondent No.3. Therefore, we allow the writ petition and direct the Collector to consider the objections raised by the petitioner opposing the grant of No Objection Certificate to respondent No.3. Any observations made in this order shall not be taken as expression of opinion over the merits of the case and the Collector shall, in accordance with law, decide the application on merits. The objections may be filed by the petitioner within two weeks from today and the Collector may decide the matter within two weeks thereafter. No order as to costs.

_____

(BILAL NAZKI, ACJ)

28th June 2005.

_____

(G. CHANDRAIAH, J)

ajr

……REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Home (General.A) Department, Government of Andhra

Pradesh, Secretariat, Hyderabad.
2 The District Collector & Licensing Authority under A.P. Cinemas

(Regulation) Act and the Rules, 1970, Visakhapatnam, Visakhapatnam

District.
3 Two C.Cs. to the GP for Home, High Court buildings, Hyderabad

(O.U.T).

4 Two C.D. copies.